

Remarks

Claims 1-20 are pending in the application. Claims 1-8 were rejected, claims 9-15 were allowed, and claims 16-20 are withdrawn. By this Amendment, claims 1-8 have been amended, claims 16-20 have been cancelled, and new claims 21-25 have been added. Reconsideration of the claims is respectfully requested. No new matter has been added.

Rejection Under 35 U.S.C. § 102

Applicants have amended claims 1-8 to clearly recite a combination of an apparatus for dislodging contaminants in conjunction with a machine tool. For clarity, the combination is referred to as a “system” in these claims as well as new claims 21-25.

Claims 1 and 5-8 were rejected under § 102(b) as being anticipated by U.S. Patent No. 3,852,923 issued to Hess (hereinafter “Hess ‘923”). Applicants have amended claim 1 to recite a planar support plate. Hess ‘923 does not recite a planar support plate. Consequently, Applicants respectfully believe that the rejection of claim 1 is overcome. Since claims 5-8 depend on claim 1, these claims are believed to be allowable for the same reasons.

A *prima facie* case has not been established for the rejection of claim 4. Claim 4 recites that “the cleaning member is disposed along an inside edge of the support plate for cleaning an exterior surface of the spindle when the apparatus is rotated about the axis of rotation by the spindle.” Hess ‘923 does not disclose a cleaning member as claimed. Instead, Hess ‘923 discloses cutting bars 44-47 (called a cleaning member by the Examiner) that are disposed on the center of cutting blades (18-19), not along an edge of a support plate. Moreover, there is absolutely no disclosure that the cutting bars clean the exterior surface of a spindle. Indeed, it is impossible for the cutting bars to clean an exterior surface of a spindle since they do not contact a spindle, are too short to contact a spindle, and point away from a spindle. Since there is no express or implied disclosure of a cleaning member as claimed or cleaning of an exterior surface of a spindle, the requirements of 35 U.S.C. § 102 have not been met and this rejection must be withdrawn.

A *prima facie* case has not been established for the rejection of claim 5. Claim 5 recites that “the cleaning member is disposed along an outside edge of the support plate for cleaning an interior surface of the housing when the cleaning member contacts the interior surface.” Hess ‘923 does not disclose a cleaning member as claimed. Instead, Hess ‘923 discloses cutting bars 44-47 (called a cleaning member by the Examiner) that are disposed on the center of cutting blades (18-19), not along an edge of a support plate. Moreover, there is no disclosure that the cutting bars clean the interior surface of a housing as claimed. Since there is no express or implied disclosure of these elements, the requirements of 35 U.S.C. § 102 have not been met and this rejection must be withdrawn.

Claims 1-7 were rejected under § 102(b) as being anticipated by #3956-01 Var.-Speed MultiPro® Kit w/Flex-Shaft (herein referred to as “Dremel”). A *prima facie* case has not been established for the rejection of claim 1 since the Dremel reference does not recite a housing as claimed. Since claims 1-7 depend on claim 1, a *prima facie* case has not been established for the rejection of these claims for the same reasons.

Moreover the Dremel reference does not disclose or remotely suggest a flexible wiper (claim 3), cleaning an exterior surface of a housing (claim 4) or cleaning of an exterior surface of a spindle (claim 5). Moreover, contrary to the Examiner’s arguments, the cleaning bristles in the Dremel reference will not function to clean an exterior surface of a spindle as recited in claim 5 since all the bristles referenced by the Examiner point away from its mounting point, point away from what the Examiner defined as an arbor, point away from what the Examiner defined as a spindle, and are stiff metal brushes that are neither flexible enough nor long enough to contact a spindle as defined by the Examiner. In short, it is physically impossible for the Dremel reference to meet all the claim limitations of claim 5.

Rejection Under 35 U.S.C. § 103

Claims 1-7 were rejected under § 103(a) as being unpatentable over webpage #3956-01 Var.-Speed MultiPro® Kit w/Flex-Shaft” (hereinafter referred to as the “Dremel

reference”) in view U.S. Patent No. 6,210,261 issued to Johnson (hereinafter “Johnson ‘261”). This rejection is moot in light of the amendments to claim 1. Moreover, neither the Dremel reference nor Johnson ‘261 discloses a planar support plate.


Applicants also note that a *prima facie* case has not been established for the rejection of claims 4 and 5. As previously discussed, the Dremel reference does not disclose or suggest cleaning an exterior surface of a housing (claim 4) or cleaning an exterior surface of a spindle (claim 5). Johnson ‘261 does not cure the deficiencies of the Dremel reference since it merely discloses a clip-on shield assembly for a Dremel tool. Moreover, Johnson’261 teaches away from cleaning an exterior surface of a housing (claim 4) since there must be clearance between the shield assembly and a tool (as is clearly shown in Figure 8) to keep the tool from cutting and destroying the shield assembly, which would not only result in the destruction of the shield assembly but also eliminate the disclosed function of the cutting shield, namely protecting an operator from shattered tool particles and thrown wires (see column 1, lines 20-25). Thus, Applicants respectfully request that the rejection of claims 4 and 5 be withdrawn.

Conclusion

Applicants have made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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